

Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number Dean R. Prober, Esq., Bar ID: 106207 Cassandra J. Richey, Esq. Bar ID: 155721 Matthew E. Lax, Esq., Bar ID: 239785 Polk, Prober & Raphael, A Law Corporation 20750 Ventura Boulevard #100 Woodland Hills, CA 91364 Telephone: 818-227-0100 Fax: 818-227-0101 F.040-506		FOR COURT USE ONLY	
<input type="checkbox"/> Individual appearing without counsel <input checked="" type="checkbox"/> Attorney for: U.S. Bank Home Mortgage, N.A.		<div>ENTERED MAR - 9 2007 CLERK, U.S. BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA By [Signature]</div> <div>FILED MAR - 8 2007 CLERK, U.S. BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA By [Signature]</div>	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA			
In re: Michael A. Brown and Rebecca L. Brown,		CHAPTER: 13 CASE NO.: SV05-16954GM	
Debtor(s).		DATE: 3/15/07 TIME: 9:30 am CTRM: 303 FLOOR: 3rd	

LODGED
MAR - 7 2007
CLERK, U.S. BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
By [Signature]

**ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY
UNDER 11 U.S.C. § 362 (Real Property)**
(MOVANT: U.S. Bank Home Mortgage, N.A.)

1. The Motion was: ☐ Contested ☐ Uncontested ☒ Settled by stipulation

2. The Motion affects the following real property (the "Property"):

Street Address: 49079 235th Street West
Apartment/Suite No.:
City, State, Zip Code: Lancaster Area, CA 93536

Legal description or document recording number (including county of recording): Lot 24 of the Fruit Grower's Mutual Society's Subdivision of Section 23, Township 8 North, Range 16 West, San Bernardino Meridian, in the County of Los Angeles, State of California, As Per Map Recorded in Book 55 Page 78 of Miscellaneous Records, in the Office of the County Recorder of Said *

☐ See attached page. *County Recorder of Said County.

3 The Motion is granted under: ☐ 11 U.S.C. § 362(d)(1) ☐ 11 U.S.C. § 362(d)(2) ☐ 11 U.S.C. § 362(d)(3)
☐ 11 U.S.C. § 362(d)(4) (as set forth in F 4001-10.ER)

4 As to Movant, its successors, transferees and assigns ("Movant"), the stay of 11 U.S.C. § 362(a) is:

- a. ☐ Terminated as to Debtor(s) and Debtor's(s)' bankruptcy estate.
b. ☐ Annulled retroactively to the date of the bankruptcy petition filing.
c. ☒ Modified or conditioned as set forth in Exhibit 1 to this Order.

5. ☐ Movant may enforce its remedies to foreclose upon and obtain possession of the Property in accordance with applicable non-bankruptcy law, but may not pursue any deficiency claim against the Debtor(s) or property of the estate except by filing a Proof of Claim pursuant to 11 U.S.C. § 501.

(Continued on next page)

This form is mandatory by Order of the United States Bankruptcy Court for the Central District of California.

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In re Michael A. Brown and Rebecca L. Brown	(SHORT TITLE) Debtor(s).	CHAPTER: 13 CASE NO.: SV05-16954GM
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6. ☐ Movant shall not conduct a foreclosure sale before the following date (*specify*):
7. ☒ The stay shall remain in effect subject to the terms and conditions set forth in the Adequate Protection Attachment to this Order.
8. ☐ In chapter 13 cases, the trustee shall not make any further payments on account of Movant's secured claim after entry of this Order. The secured portion of Movant's claim is deemed withdrawn upon entry of this Order without prejudice to Movant's right to file an amended unsecured claim for any deficiency. Absent a stipulation or order to the contrary, Movant shall return to the trustee any payments received from the trustee on account of Movant's secured claim after entry of this Order.
9. This Court further orders as follows:
- a. ☒ This Order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
- b. ☐ The 10-day stay provided by Bankruptcy Rule 4001(a)(3) is waived.
- c. ☐ The provisions set forth in the Extraordinary Relief Attachment shall also apply (*attach Optional Form F 4001-10.ER*).
- d. ☐ See attached continuation page for additional provisions.

Dated: 3/8/07


UNITED STATES BANKRUPTCY JUDGE

APPROVED AS TO FORM AND CONTENT:


Matthew E. Lax, Esquire
Attorney for Movant

SEE ATTACHED PAGE

Marcia L. Mullin, Esquire
Attorney for Debtors

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In re Michael A. Brown and Rebecca L. Brown	(SHORT TITLE) Debtor(s).	CHAPTER: 13 CASE NO.: SV05-16954GM
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6. ☐ Movant shall not conduct a foreclosure sale before the following date (specify):
7. ☒ The stay shall remain in effect subject to the terms and conditions set forth in the Adequate Protection Attachment to this Order.
8. ☐ In chapter 13 cases, the trustee shall not make any further payments on account of Movant's secured claim after entry of this Order. The secured portion of Movant's claim is deemed withdrawn upon entry of this Order without prejudice to Movant's right to file an amended unsecured claim for any deficiency. Absent a stipulation or order to the contrary, Movant shall return to the trustee any payments received from the trustee on account of Movant's secured claim after entry of this Order.
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- a. ☒ This Order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
 - b. ☐ The 10-day stay provided by Bankruptcy Rule 4001(a)(3) is waived.
 - c. ☐ The provisions set forth in the Extraordinary Relief Attachment shall also apply (attach *Optional Form F 4001-10.ER*).
 - d. ☐ See attached continuation page for additional provisions.

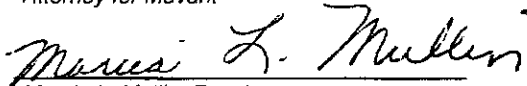
Dated:

UNITED STATES BANKRUPTCY JUDGE

APPROVED AS TO FORM AND CONTENT:

SEE ATTACHED PAGE

Matthew E. Lax, Esquire
Attorney for Movant


Marcia L. Mullin, Esquire
Attorney for Debtors

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ADEQUATE PROTECTION ATTACHMENT
(MOVANT: U.S. Bank Home Mortgage, N.A.)

(This Attachment is the continuation page for Paragraph 7 of the Order on the Motion.)

The stay shall remain in effect subject to the following terms and conditions:

1. ☒ The Debtor(s) tendered payments at the hearing in the amount of \$ 3,377.28 through 02/07
2. ☒ The Debtor(s) shall make regular monthly payments in the amount of \$ 1,053.62 commencing 3/1/07.
The amount of these payments may be subject to change under the terms of the parties' original agreements. All payments due Movant hereunder shall be paid to Movant at the following address:

U.S. Bank H0me Mortgage, N.A.
P.O. Box 20005
Owensboro, KY 42301
3. ☐ The Debtor(s) shall cure the postpetition default computed through _____ in the sum of \$ _____ as follows:
 - a. ☐ In equal monthly installments of \$ _____ each commencing _____ and continuing thereafter through and including _____.
 - b. ☐ By paying the sum of \$ _____ on or before _____.
 - c. ☐ By paying the sum of \$ _____ on or before _____.
 - d. ☐ By paying the sum of \$ _____ on or before _____.
 - e. ☐ Other: _____.
4. ☐ The Debtor(s) shall maintain insurance coverage on the property and shall remain current on all taxes that fall due postpetition with regard to the property.
5. ☐ The Debtor(s) shall file a Disclosure Statement and Plan on or before *(specify date)*:
Disclosure Statement shall be approved on or before *(specify date)*:
The Plan shall be confirmed on or before *(specify date)*:
6. ☒ Upon any default in the foregoing terms and conditions, Movant shall serve written notice of default to Debtor(s), and any attorney for Debtor(s). If Debtor(s) fails to cure the default within 10 calendar days after mailing of such written notice:
 - a. ☐ The stay shall automatically terminate without further notice, hearing or order.
 - b. ☒ Movant may file and serve a declaration under penalty of perjury specifying the default, together with a proposed order terminating the stay, which the Court may grant without further notice or hearing.
 - c. ☐ The Movant may move for relief from the stay upon shortened notice in accordance with Local Bankruptcy Rules.
 - d. ☐ The Movant may move for relief from the stay on regular notice.

(Continued on next page)

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In re Michael A. Brown and Rebecca L. Brown	(SHORT TITLE)	Debtor(s).	CHAPTER: 13 CASE NO.: SV05-16954GM
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7. ☒ Notwithstanding anything contained herein to the contrary, the Debtor(s) shall be entitled to a maximum of 3 (number) notices of default and opportunities to cure pursuant to the preceding paragraph. Once a Debtor(s) has defaulted this number of times on the obligations imposed by this Order and has been served with this number of notices of default, Movant shall be relieved of any obligation to serve additional notices of default and provide additional opportunities to cure. If an event of default occurs thereafter, Movant shall be entitled, without first serving a notice of default and providing the Debtor(s) with an opportunity to cure, to file and serve a declaration under penalty of perjury setting forth in detail the Debtor's failures to perform hereunder, together with a proposed order terminating the stay, which the Court may enter without further notice or hearing.
8. ☐ The foregoing terms and conditions shall be binding only during the pendency of this bankruptcy case. If, at any time, the stay is terminated with respect to the Property by court order or by operation of law, the foregoing terms and conditions shall cease to be binding and Movant may proceed to enforce its remedies under applicable non-bankruptcy law against the Property and/or against the Debtor(s).
9. ☐ If Movant obtains relief from stay based on Debtor's(s') defaults hereunder, the order granting that relief shall contain a waiver of the 10-day stay created by Federal Rule of Bankruptcy Procedure 4001(a)(3).
10. ☐ Movant may accept any and all payments made pursuant to this Order without prejudice to or waiver of any rights or remedies to which it would otherwise have been entitled under applicable non-bankruptcy law.
11. ☒ Other (specify):
That Debtor shall pay to Movant the sum of \$950.00 as its attorneys' fees. Said fees shall be paid through Debtors' Chapter 13 Plan. Movant may file an Amended Proof of Claim to reflect the addition of said fees.

Any funds received by Movant, which are subsequently returned for non-sufficient funds, including funds received and applied prior to the terms of this Order, shall be subject to the default provisions contained herein.

In the event the instant bankruptcy proceeding is dismissed or discharged, this Stipulated Relief Order shall be terminated and have no further force or effect.

 Judge's Initials

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In re Michael A. Brown and Rebecca L. Brown	(SHORT TITLE) Debtor(s).	CHAPTER: 13 CASE NO.: SV05-16954GM
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**NOTICE OF ENTRY OF JUDGMENT OR ORDER
AND CERTIFICATE OF MAILING**

TO ALL PARTIES IN INTEREST ON THE ATTACHED SERVICE LIST:

1. You are hereby notified, pursuant to Local Bankruptcy Rule 9021-1, that an ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (in whole or in part) was entered on *(specify date)*:

MAR 09 2007

2. I hereby certify that I mailed a copy of this notice and a true copy of the order or judgment to the persons and entities on the attached service list on *(specify date)*:

MAR 09 2007

Dated:

MAR 09 2007

JON D. CERETTO
Clerk of the Bankruptcy Court

By:

[Signature]
Deputy Clerk

CASE NO.: SV 05-16954 GM
DEBTOR : MICHAEL A. BROWN AND REBECCA L. BROWN

INTERESTED PARTIES

Michael A. Brown and Rebecca L. Brown
49079 235th Street West
Lancaster, CA 93536
Debtors

Marcia L. Mullin, Esquire
44421 N 10th Street W, Suite G
Lancaster, CA 93536
Attorney for Debtors

Elizabeth Rojas, Trustee
15301 Ventura Boulevard, Bldg. B, Suite 400
Sherman Oaks, CA 91403
Chapter 13 Trustee

U.S. Bankruptcy Court
21041 Burbank Boulevard
Woodland Hills, CA 91367